

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**C.M.No.16621 of 2011 and
Civil Writ Petition No.15026 of 1994
Date of Order: 27.02.2012.**

Ramdhan and others

..Petitioners

Versus

State of Haryana and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**

Present: Mr. B.S.Bairagi, Advocate
for the petitioner.
Ms. Shruti Jain, AAG, Haryana
for the State.
Mr. Mani Ram Verma, Advocate
for the applicant-respondent no.3.

RAJIVE BHALLA, J (Oral)

C.M.No.16621 of 2011

Prayer in this application is for early hearing.

Allowed as prayed for.

With consent of counsel for the parties, the writ petition
is being taken up for hearing.

C.W.P.No.15026 of 1994

The petitioners pray for issuance of a writ for quashing proceedings, under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to the State of Haryana) (hereinafter referred to as the '1961 Act'), pending before the Assistant Collector Ist Grade, Dadri.

The petitioners claim that they are proprietors of Pana

Mahaigan, which created a Dholi in favour of Sham Dass Sadh son of Mani Ram Bairagi Sadh Deredar. The land, therefore, does not vest in the Gram Panchayat and the petition filed under Section 7 of the 1961 Act could not be filed, against the Dholidar, without impleading the petitioners.

Counsel for the Gram Panchayat submits that as the question of title has already been decided upto the Hon'ble Supreme Court, the present petition may be dismissed and the Assistant Collector Ist Grade, may be directed to proceed with the petition, filed under Section 7 of the 1961 Act.

We have heard counsel for the parties.

Admittedly, a petition, filed under Section 7 of the 1961 Act is pending. We, therefore, find no reason to keep the writ petition pending and without expressing any opinion as to the merits of the controversy, dispose of the writ petition with liberty to the petitioners to raise all such pleas as may be available, in accordance with law, before the Assistant Collector Ist Grade.

Parties are directed to appear before the Assistant Collector Ist Grade, Dadri, on 17.04.2012, who shall decide the matter afresh and in accordance with law, within three months from receipt of a certified copy of this order.

(RAJIVE BHALLA)
JUDGE

February 27, 2012
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(RAKESH KUMAR JAIN)
JUDGE